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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,291	05/24/2006	Christoph Voss	AP 10825	5955
53203 7590 08/26/2008 CONTINENTAL TEVES, INC. ONE CONTINENTAL DRIVE AUBURN HILLS, MI 48326-1581				
EXAMINER SCHNEIDER, CRAIG M				
ART UNIT		PAPER NUMBER		
3753				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/580,291

Applicant(s)

VOSS, CHRISTOPH

Examiner

CRAIG M. SCHNEIDER

Art Unit

3753

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-24 is/are rejected.
- 7) ☒ Claim(s) 25-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)
- Paper No(s)/Mail Date 5/24/06
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Paragraphs 15 and 16 should be a single paragraph.

Appropriate correction is required.

Claim Objections

2. Claim 16 is objected to because of the following informalities: The claim needs a period at the end. Appropriate correction is required.
3. The claims also have numeral indications that are indicative of the items in the drawings and specifications. Some of the numerals in the claims do not correspond with the descriptions in the drawings and specification.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 16-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Regarding claim 16, the phrase "can be" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention.
7. Claims 19-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Regarding claim 19, the phrase "can be" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 14, 15, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Runge et al. (2003/0037825).

A pressure control valve with a valve tappet (11) guided in a valve housing (1), which tappet presents at least a first valve closing element (7) for disconnecting a first pressure medium connection (4) from or to a second pressure medium connection (6), with a valve seat (17) turned toward the first valve closing element, as well as with a magnet armature (the outer cylindrical element surrounding the area that 10 is indicating) actuating the valve tappet and with a valve coil (9) arranged on the valve housing, wherein the armature is arranged movably inside the valve coil, and with an independently operable valve seat member (25 and the structure that 17 is incorporated in), which is fixed in the valve housing by means of a centering element (8) which

guides the valve tappet, wherein the valve seat is arranged inside the valve seat member (page 2, para. 21-26).

Regarding claim 15, the centering element is located within the valve housing (1).

Regarding claim 24, the magnetic armature is designed as a hollow cylinder, into which a magnetic armature sleeve (area of the armature that 10 is indicating) is pressed. The sleeve protrudes with its ends on both sides of the front surfaces of the magnetic armature as seen in Figure 4.

11. Claims 14-20 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Mayr et al (6,989,729).

A pressure control valve with a valve tappet (5) guided in a valve housing (1), which tappet presents at least a first valve closing element for disconnecting a first pressure medium connection from or to a second pressure medium connection, with a valve seat turned toward the first valve closing element, as well as with a magnet armature (3'') actuating the valve tappet and with a valve coil (9) arranged on the valve housing, wherein the armature is arranged movably inside the valve coil, and with an independently operable valve seat member (area that the first valve element abuts the valve seat member), which is fixed in the valve housing by means of a centering element which guides the valve tappet, wherein the valve seat is arranged inside the valve seat member (col. 3, line 64 to col. 4, line 49). See attached marked up Figure from Mayr et al.

Regarding claim 16, the centering element presents a valve seat surface (area that 13 abuts the centering element) and, to guide the valve tappet (area that the 5

passes through the centering element), a centering opening, and the centering element is perforated by at least one passage as seen in Figure 1, which can be closed by means of a second valve closing element (13), which is applied on the valve tappet and can be applied on the valve seat surface of the centering element, in the direction of a third pressure medium connection.

Regarding claim 18, the claim limitation of the valve element being manufactured from a thin sheet metal which is pressed on the valve tappet is a product by process limitation. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.

Regarding claim 19, the valve housing consists of a first and a second housing part, wherein the first housing part is designed as a housing pot which can be manufactured by the deep drawing method, into which pot the valve seat member and the centering element are pressed as seen in Figure 1. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.

Regarding claim 20, the first housing part is attached by means of a press connection to the second housing part which is designed to receive a magnetic armature as a tubular part. The second housing part presents a collar against which the first housing part is applied as seen in Figure 1.

Regarding claim 24, the magnetic armature is designed as a hollow cylinder, into which a magnetic armature sleeve (6) is pressed, which sleeve protrudes with its ends on both sides of the front surfaces of the magnetic armature as seen in Figure 1.

Allowable Subject Matter

12. Claims 25-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Claims 21-23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kearns, Jr., et al. (2,868,494); Dillon (3,531,080); Miki et al. (5,135,027); and Sudani et al. (6,619,616) disclose operable valve seat members.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CRAIG M. SCHNEIDER whose telephone number is (571)272-3607. The examiner can normally be reached on M-F 8:00 -4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. M. S./
Examiner, Art Unit 3753
August 19, 2008

/John Rivell/
Primary Examiner, Art Unit 3753